

TAB "F"

EXCERPTS FROM
JOHAN MARITZ
DEPOSITION

1 Q. Was it part of your job to investigate complaints
2 of sexual harassment here in Franklin during the
3 time frame we've discussed, 2002, 2003, 2004?

4 A. Yes.

5 Q. Was there a protocol, if you understand my
6 question, as to how to investigate these
7 complaints?

8 A. There is not a written protocol. Human resource
9 professionals in Joy are taught how to conduct
10 these investigations.

11 Q. Would you tell us was there a procedure then that
12 you would use -- you did use to investigate
13 sexual harassment complaints?

14 A. Yes.

15 Q. What was that procedure? Could you give us a
16 step-by-step analysis or survey of that
17 procedure, if you will?

18 A. Obviously to hear the complaint first-hand, to
19 then conduct investigations, interviews with
20 people based on whatever information was provided
21 during the complaint. If necessary to follow
22 back up with the complainant and conduct further
23 interviews, if possible. Then to take action to
24 make sure that if there was any substance to the
25 complaint to make sure that the situation does

1 A. It's to come back to the complainant in case
2 something came out in those interviews and we
3 needed more clarification to go back to the
4 complainant to see if there was anybody else who
5 saw anything or who could provide more
6 information.

7 Q. And then you may take further interviews; is that
8 correct?

9 A. Correct.

10 Q. And then you say, take action; is that correct?

11 A. If appropriate.

12 Q. Is there anywhere in this protocol do you meet
13 with the alleged perpetrator, if you will?

14 A. Yes.

15 Q. And where does that fit in?

16 A. Right at the beginning, after the complaint had
17 been lodged.

18 Q. Okay. And also do you get witnesses from them if
19 it's appropriate?

20 A. If it's appropriate.

21 Q. Now, when you worked in Franklin in the time
22 frame we've been talking about, 2002, 2003, 2004,
23 can you give us an idea about how many complaints
24 of sexual harassment did you investigate?

25 A. Only one.

1 Q. And that was this one?

2 A. Correct.

3 Q. And when I say this one, I'm talking about the
4 Wakefield?

5 A. Correct.

6 Q. All right. How did you first become aware that
7 there was a complaint by Mrs. Wakefield?

8 A. When in March, I believe it was March of 2003,
9 when Mrs. Wakefield was brought to my office by
10 another HR employee.

11 Q. And who was that?

12 A. Cornelia Adams.

13 Q. Okay. Can you tell us what you remember about
14 that meeting?

15 A. When Mrs. Wakefield was brought to my office, it
16 wasn't immediately followed by a meeting. She
17 was pretty distraught so there was a recess and
18 later then after a while, I can't remember if it
19 was an hour or two hours, there was a meeting
20 with Mrs. Wakefield and what was relayed to me
21 was that Mr. Larry Meade had shown up at the
22 Wakefield's home and Mrs. Wakefield felt that he
23 was unwelcomed and that obviously shouldn't have
24 been there in the first place and that he had
25 said things that she didn't find welcomed.

1 Q. Do you remember what those were?

2 A. Yes. I believe it had to do with Mrs. Wakefield
3 said, that Mr. Meade had made proposals that they
4 should go away together, that he loved her and
5 that she should leave and be with him.

6 Q. Did you make a memorandum of that meeting?

7 A. Yes. I made notes.

8 Q. We have things that were given in discovery and
9 rather than me going through the file because I'm
10 confused about the date, do you just want to look
11 and forget the yellow tabs. Those were just so
12 that my staff would make copies. But is there
13 any memorandum that dealt with that meeting?

14 A. Yes. It is the -- it is document marked Joy 001,
15 dated 3-14.

16 Q. Was that later typed up in any way or was that
17 the only notes you have of that meeting?

18 A. This would have been typed up I believe so that
19 people could read my handwriting.

20 Q. Do you want to see if you could find the typed
21 version of those?

22 A. I believe it's Joy 051.

23 Q. For some reason there's one of 2004. If it is,
24 it is.

25 A. Yes. This is definitely --

1 him, did you proceed to go to the next step of
2 your procedure as to conduct an investigation?

3 A. What I did is I asked Mrs. Wakefield at the end
4 of our first meeting to provide me with any names
5 of people that could give me further information,
6 which she could not at that stage, at that first
7 meeting. What I did after the meeting was to
8 review Mr. Meade's files and also any files we
9 had in human resource that would be evidence of
10 any prior situations such as the complaint.

11 Q. Did you find any?

12 A. No.

13 Q. Okay. What did you do then? What's the next
14 thing that you can recall and if you need to use
15 your notes, that's fine or at least the notes
16 that I have or any other notes?

17 A. No. There were no further notes as a result of
18 that very first meeting. I continued to speak to
19 other folks in HR to see if anybody knew
20 anything.

21 Q. Who did you speak with?

22 A. I believe I spoke with Diane Kemick and asked her
23 if she had any knowledge of any prior incidents
24 involving Mr. Meade?

25 Q. Anybody else that you recall you spoke to other

1 Q. Anything else?

2 A. I believe that was all that she said.

3 Q. What was the next thing you did in your
4 investigation?

5 A. It was 6-18. I believe, obviously I was still
6 trying to get ahold of Mike Calderone. I recall
7 sitting down and reviewing all of the materials
8 and all of the interviews and all the notes and
9 then trying to decide what to do at that point
10 without obviously I hadn't spoken with Mike
11 Calderone and Peggy Doyle. My first objective,
12 as I said earlier, was to make sure that -- to
13 ensure that nothing happen ever again that would
14 make Mrs. Wakefield uncomfortable and I knew that
15 nothing new had happened since I spoke with
16 Mr. Meade in March to tell him to stay away from
17 Mrs. Wakefield, to avoid contact with her. I
18 then sat down and reviewed my notes and decided
19 whether I had -- whether I should take any action
20 or not. Two things made me decide at that point
21 to draft a formal reprimand to Mr. Meade and it
22 was essentially the fact that he had admitted to
23 going to her home, but more than that, that he
24 admitted to hugging going on. And whether that
25 was mutual or not really didn't matter to me at

1 Q. When you --

2 A. I was just going to say there were two types of
3 written -- those were all the ones at my
4 disposal.

5 Q. What criteria do you use in exercising these
6 forms of discipline? In other words, what are
7 the things that you consider?

8 A. I consider the file record of the employee.

9 Q. All right.

10 A. I consider -- I consider -- and what Joy does is
11 we consider what is the least severe method of
12 discipline that would correct the behavior.

13 Q. Anything else you consider?

14 A. Obviously the nature of whatever somebody has
15 done to have transgressed.

16 Q. All right.

17 A. And I guess we just for balance of evidence of
18 how severe the act was and how clear it was.

19 Q. All right. We have a term in the criminal
20 justice system that we call prophylaxis, which is
21 sending the message. In other words, one of the
22 functions of a law enforcement discipline is not
23 just these other factors, but you have to make
24 people aware in a community what is a serious
25 violation and so forth. Is prophylaxis something

1 Q. I'm not suggesting broadcasting it. Do you agree
2 that any discipline that you mete out, no matter
3 how private, people be aware that this happened
4 to somebody?

5 A. To me it's the message to the individual.

6 Q. All right. Mrs. Wakefield met with you on a
7 number of occasions as testified, correct?

8 A. Correct.

9 Q. And she made a number of allegations about the
10 conduct of Mr. Meade; is that correct?

11 A. Correct.

12 Q. Did you believe her?

13 A. I did not believe or disbelieve her. I tried to
14 find out by talking to the folks that she had
15 mentioned, by looking at prior records to make up
16 my own mind on, if you want to call it a balance
17 of probabilities of whether.

18 Q. All right. On a balance of probabilities, did
19 you believe her?

20 A. I believed as far as the visit to the home was
21 concerned. He admitted to that. I believed her
22 that as far as the fact that he hugged her. I
23 could not make a judgment on whether those hugs
24 were mutually acceptable or initiated as a mutual
25 hug and then turned into something else. I was

1 just focused on, okay, if he's been at the house
2 and if there have been hugs, this is enough for
3 me to issue a reprimand to this guy to make sure
4 that it stops and to make sure because it had
5 stopped in March, but to make sure he got the
6 message that this was really serious.

7 Q. Did you believe her when she said that he kissed
8 her?

9 A. Again, I don't want to call her a liar and I
10 don't want to call him a liar. I had two people,
11 one person saying he kissed her and one person
12 saying that he didn't. Nobody supporting that
13 with any direct evidence of witnessing it. So
14 how could I say I believe either one of them.

15 Q. In your evaluation of this case, do you make that
16 determination who is to be believed and who is
17 not?

18 A. Only insofar as the two incidents that I just
19 relayed, the fact that he visited her home and
20 that he said he hugged her.

21 Q. I take it, sir, that from what you're saying is
22 that any discipline that you gave Larry Meade was
23 based solely on the fact that he visited her home
24 and that he had hugged her, that's it; is that
25 correct?

1 A. Yes. And the fact that she filed a complaint.

2 Employees can visit each other's home and hug
3 each other where they wouldn't get disciplined.

4 Q. Did you believe Larry Meade?

5 A. Not any more or any less than Mrs. Wakefield.

6 You must understand that I look at this from a --
7 it is probably my labor law training, but I look
8 at the facts, I look at the evidence that either
9 supports it or not or if there's no evidence that
10 supports either side, I say a need to just
11 disregard and I have to look at what I have and
12 make a determination of what I have.

13 Q. Did you believe Jill Seyler?

14 A. I believe that Jill saw him as a nuisance because
15 she told me he was a nuisance.

16 Q. Did Jill Seyler's statement have any impact on
17 whether or not you believed Larry Meade or
18 Valerie Wakefield?

19 A. No. Ultimately that would not have swung my
20 decision either way.

21 Q. Am I to understand, Mr. Maritz, that if Larry
22 Meade had denied that he had gone out to her
23 house or denied that he hugged her, he would not
24 have been disciplined at all?

25 MS. COCHENOUR: Objection. It's

1 very speculative.

2 Q. Can you answer the question?

3 A. It's difficult to answer that in isolation of all
4 the other circumstances around this case.

5 Q. Well, this is the only sexual harassment case you
6 ever had while working at Franklin, correct?

7 A. Correct.

8 Q. Has there, since you have been moved to
9 Warrendale, have you dealt with any others?

10 A. No.

11 Q. Did you deal with any others at South Africa?

12 A. One.

13 Q. Okay. What occurred in that case?

14 A. That was a different set of circumstances. It
15 was a manager-employee situation.

16 Q. Okay. Do you deal in your position or during the
17 period of 2002, 2003, 2004, while you worked in
18 Franklin, did you deal with other situations
19 where you were required to mete out discipline?
20 When I say mete, I think it's spelled m-e-t-e.

21 A. I know. Yes, in the -- I can recall one
22 situation.

23 Q. What was that?

24 A. A violation of a safety rule.

25 Q. Can you be more specific?

1 A. Some cases.

2 Q. Is it part of your job to resolve those
3 differences and determine what actually happened?

4 A. If there are conflicting statements or evidence,
5 it would be my job to the best of my ability to
6 find out what is the more likely scenario.

7 Q. In this case, however, you did not do that, did
8 you?

9 A. Can you be more specific about which --

10 Q. Which case?

11 A. No. Not which case. Which -- as you talked
12 about witnesses, conflicting statements and I
13 don't believe I had conflicting statements except
14 between Mrs. Wakefield and Mr. Meade.

15 Q. That's right. But you didn't resolve that
16 conflict, did you?

17 A. Because there was no -- there was not a single
18 person that I could point to for specific
19 evidence about any of those incidents.

20 Q. Can we agree, sir, that in viewing the situation
21 that hugging someone, a mutually agreed hug out
22 of sympathy is far different than hugging someone
23 and placing your hands or having wondering hands,
24 so to speak. It's a much different situation, is
25 it not?

1 A. Yes.

2 Q. And it's a significant difference in evaluating a
3 sexual harassment claim, is it not?

4 A. Yes.

5 Q. And can we agree that talking to someone at their
6 house about the next time you'll see me in a
7 funeral home is a far different scenario than
8 suggesting that they have sex, that you want to
9 marry them and that you love them, is a much
10 different scenario, is it not?

11 A. Yes.

12 Q. One is far more serious than the other, is it
13 not?

14 A. Yes. Both could be unwelcome.

15 Q. But in the context of the sexual harassment
16 claim, one is far more serious than the other, is
17 it not?

18 A. If that had to happen, yes, if I had to just look
19 at someone saying visiting the home and saying
20 next time you see me is in a funeral home versus
21 the other situation, yes, the other would be more
22 serious in a sexual harassment claim.

23 Q. I guess there is a word people use for these
24 types of conflicts -- it's not a word, it's a
25 phrase, "he said/she said". Have you ever heard

1 that?

2 A. Mm-hmm.

3 Q. And where you have these "he said/she said"
4 disputes, you don't resolve the differences; is
5 that correct? Without outside witnesses?

6 A. I guess yes. It's difficult to resolve.

7 Q. You don't resolve it?

8 A. Yes.

9 Q. Okay.

10 A. You don't resolve it beyond any doubt.

11 Q. Sir, in your experience as a trained person in
12 this field, when we talk about sexual harassment,
13 isn't it almost always, "he said/she said"?

14 A. I have to qualify when you say trained person in
15 this field. I've had theoretical training. I've
16 had two cases to investigate. This is the first
17 one that I had a "he said/she said" without any
18 witnesses.

19 Q. You haven't had any sexual harassment claims
20 where there were witnesses, correct?

21 A. Except the one in South Africa.

22 Q. There were witnesses?

23 A. Yes.

24 Q. We have the sexual harassment policy that we've
25 referred to earlier in this deposition.

1 A. Yes.

2 Q. Has there -- is there any other textbooks,
3 guidelines, manuals or anything that you use to
4 assist you in how to address a sexual harassment
5 claim?

6 A. There's not a single prescribed procedure or
7 textbook that we use.

8 Q. For example, you said you went to seminars where
9 it came up, correct?

10 A. Correct.

11 Q. Did you bring back with you some type of a
12 publication that they gave you at this seminar?

13 A. Yes.

14 Q. Do you have that?

15 A. I don't know.

16 Q. Do you use it? Or did you ever use it? Did you
17 use it in 2002, 2003, 2004?

18 A. I don't recall whether I referred to a particular
19 manual. I felt comfortable that I was doing the
20 right thing. I followed the right procedure.
21 Again my focus was to stop the behavior and it
22 stopped.

23 Q. Okay. Would you do me a favor, would you check
24 and see if you have any of those publications or
25 manuals and just tell your attorney what they are